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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,332	03/15/2004	Rudolph Balaz	MS1-467USC2	1955
22801	7590	05/16/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER

2131

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/801,332

Applicant(s)

BALAZ ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see attached</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-5 and 7-21 have been considered but are moot in view of the new grounds of rejection.
2. The applicant has not traversed the examiner's use of official notice with regards to claims 2, 11, and 20. A general allegation has been made by the applicant and the applicant has not adequately traversed the examiner's assertion of official notice taken on "routers". The applicant must specifically point out the supposed error in the examiner's action and the applicant has not included a statement by the noticed fact is not considered to be well known in the art. The use of "routers" is taken by the examiner to be well known in the prior art since the applicant has not adequately challenged the examiner's use of official notice. Please refer to MPEP 2144.03 (c).

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on May 4, 2005, November 2, 2004, and July 15, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin, U.S. Patent 6,044,471 in view of Mikurak, U.S. Patent 6,606,744.

As per claims 1, 10, and 19, it is disclosed by Colvin of a method, apparatus (system), and computer readable media containing a plurality of instructions executed by a computer (comprising a processor)(col. 1, lines 62-64 and col. 11, lines 44-46). A request is received, from an end-user (requestor), for a password to be used by an end-user located on a computer (device) when communicating with administrator (registration authority)(col. 4, lines 35-39, 61-66). The end-user (requestor) is authenticated by an administrator that checks the registration information associated with the computer (device)(col. 4, lines 39-41, 61-66 and col. 5, lines 6-9). The password is generated, storing (by adding) it at a source (password table), and the password is sent to the end-user (requestor) for use by the device (col. 3, line 67 through col. 4, line 2, col. 4, lines 40-42, and col. 6, lines 65-67). The teachings of Colvin disclose of an administrator (registration authority), but are silent in disclosing that the registration authority operates as a protocol gateway between the device and a certificate authority. It is disclosed by Mikurak of a registration authority that acts as a protocol gateway that is coupled to receive messages from a certificate authority (col. 67, lines 15-19, 21-25, col. 269, lines 58-65, and as shown in Figure 120). It is obvious

to a person of ordinary skill in the art that it would have been obvious to implement the usage of a registration authority to act as a protocol gateway between a device and a certificate authority. Mikurak recites motivation for the use of a registration authority acting as a protocol gateway by disclosing without the use of gateways to convert the protocols, the transmitted information would be incomprehensible upon arrival and gateways allow incompatible networks to communicate with one another (col. 67, lines 15-25). It is obvious that the teachings of Colvin would have found this feature beneficial in order to convert messages of one protocol to that of another protocol by means of a registration authority acting as a protocol gateway, as suggested by Mikurak, so that a password can be obtained regardless of multiple systems operating on different protocols..

As per claims 2, 11, and 20, the teachings of Colvin are shown being embodied on a network that is connected across the Internet (as shown in Figure 1 and col. 8, lines 1-3). The teachings of Colvin are silent in reciting that a router is used. The examiner hereby takes official notice that the use of routers are notoriously well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to be motivated to apply means expediting message delivery. The motivation for using routers are that they received transmitted messages and forward them to their destination over the most efficient route since there are many possible routes that the data can be sent. It is obvious that the teachings of Colvin use routers since it is connected across the Internet and so that the most efficient routes can be used to transfer information between a user's computer and an administrator.

As per claims 3 and 12, it is taught by Colvin that the password is generated as a random number (col. 3, line 67 through col. 4).

As per claims 4 and 13, Colvin teaches of the use of encrypting (SSL is a form of encryption) communications (receiving, authenticating, and returning) between a user that is located at a device and the administrator to ensure that the communications are less susceptible to tampering (col. 3, lines 3-5 and col. 4, lines 35-39).

As per claims 5 and 14, Colvin discloses that the password is kept active for a selective amount of time (col. 4, lines 24-27,36-39).

As per claims 7 and 16, it is disclosed by Colvin that the password is kept active for a selected amount of time and then the password is removed from storage (password table) after the selected amount of time (col. 4, lines 24-27,36-39 and col. 7, lines 32-38).

As per claims 8 and 17, Colvin teaches of receiving a request from an end-user located at a computer (device) that includes a request for a password, checking whether the password request is include in the storage location (password table) and processing the request if the request password is include in the password table. If the provided information doesn't match with the information that is used, the request is rejected (col. 4, lines 39-41,61-66, col. 5, lines 6-9, and col. 6, lines 65-67).

As per claims 9 and 18, Colvin discloses that the request password is removed from storage (password table) once a new password is issued (col. 9, lines 17-21 and col. 6, lines 65-67).

As per claim 15, it is recited in the teachings of Colvin that the password is kept active for a selected amount of and is then invalid after that selected amount of time (col. 4, lines 24-27,36-39).

### ***Conclusion***


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
  
May 12, 2005

Christopher Revak  
AU 2131

  
5/12/05